

# State of Colorado



Bill Owens  
Governor

Richard Djokic  
Director

## DPA

Department of Personnel  
& Administration

State Personnel Board  
The Chancery  
1120 Lincoln St., Suite 1420  
Denver, Colorado 80203  
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### AGENDA PUBLIC BOARD MEETING April 20, 2004

A public meeting of the State Personnel Board will be held on Tuesday, April 20, 2004, at the Colorado Department of Transportation, 4201 East Arkansas Avenue, Second Floor Auditorium, Denver, Colorado 80222. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-764-1472 by April 15, 2004.

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#### I. REQUESTS FOR RESIDENCY WAIVERS

- A. April 1, 2004 Report on Residency Waivers

Reports are informational only; no action is required.

#### II. PENDING MATTERS - LEGISLATION

- A. House Bill 04-1373 - A Bill for an Act Concerning Modifications to the "State Personnel System Act"
- B. House Concurrent Resolution 04-1005 - Concerning Reform of the State Civil Service System
- C. Senate Bill 04-131 - A Bill for an Act Concerning Modifications to the Procedures for Handling an Employment Discrimination Complaint Filed by an Employee in the State Personnel System

#### III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

There are no initial decisions or other final orders of the Administrative Law Judge or the Director for review on appeal to the Board this month.

#### IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

- A. Robert Flores, David Holt, Ronald Johnsen, Donald Lawson, Dolores Montoya & Charlene Peterson v. Department of Corrections, State Personnel Board case number 2003G124.

Complainants petition the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's denial of Complainants' grievance. On March 31, 2003, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be granted.

- B. Harlen Ainscough v. Department of Public Health and Environment, Hazardous Materials & Waste Management Division, State Personnel Board case number 2003G114.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's denial of Complainant's grievance. On April 1, 2004, a Preliminary Recommendation of the Board's Director was issued, recommending that a hearing be denied.

- C. Albert McNeill v. Department of Labor and Employment, State Personnel Board case number 2004G017.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review Respondent's denial of Complainant's grievance. On April 7, 2004, a Preliminary Recommendation of the Board's Director was issued, recommending that a hearing be denied.

**V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR**

- A. Lorraine Anglada-Palma and Cindy Slade v. Department of Revenue, Motor Vehicle Business Group, Driver License Section, State Personnel Board case number 2004B074(C).

On March 16, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's disciplinary pay reduction of Complainants' salary was not arbitrary, capricious or contrary to rule or law, and ordered that Respondent's action is affirmed.

- B. Kem Reliford v. Department of Transportation, State Personnel Board case number 2003G128.

On March 26, 2004, the Initial Decision and Order Re: Respondent's Motion to Dismiss was issued. The ALJ found that Respondent's termination of Complainant's probationary employment was not arbitrary, capricious or contrary to rule or law; concluded that Complainant failed to meet the burden of establishing *prima facie* case of discrimination; and dismissed Complainant's appeal with prejudice.

- C. Roger Kendall v. Department of Public Safety, Colorado State Patrol, State Personnel Board case number 2004B089.

On April 7, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's disciplinary suspension without pay of Complainant was not arbitrary, capricious or contrary to rule or law and ordered that Respondent's action is affirmed.

- D. Clemson D. Grove v. Department of Labor and Employment, Office of Field Operations, Workforce Development Programs, State Personnel Board case number 2004B032.

On April 8, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's termination of Complainant was not arbitrary, capricious or contrary to rule or law and ordered that Respondent's action is affirmed.

- E. James Aragon v. Department of Corrections, State Personnel Board case number 2001G096.

On April 8, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's denial of Complainant's grievance was not arbitrary, capricious or contrary to rule or law and ordered that Respondent's action affirmed and Complainant's appeal is dismissed with prejudice.

**VI. REVIEW OF THE MINUTES FROM THE MARCH 1 AND MARCH 16, 2004 PUBLIC MEETINGS OF THE STATE PERSONNEL BOARD**

**VII. ACKNOWLEDGMENTS**

**DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS MARCH 16, 2004 PUBLIC MEETING:**

- A. Art Robinson v. Regents of the University of Colorado, University of Colorado at Denver, State Personnel Board case number 2003G130.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- B. Michael McNevin v. Regents of the University of Colorado, University of Colorado Health Science Center, Procurement Service Center, State Personnel Board case number 2003G134.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- C. Stacy Bishop v. Department of Corrections, Youthful Offender System, State Personnel Board case number 2004B018.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

**VIII. REPORT OF THE STATE PERSONNEL DIRECTOR**

**IX. ADMINISTRATIVE MATTERS & COMMENTS**

**A. ADMINISTRATIVE MATTERS**

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts
- Stateline Article by Joyce Lottner
- Notice of Public Hearing to Consider Adoption of Permanent Administrative Procedures
- Order Affirmed in Brown v. Department of Corrections, State Personnel Board case number 2002B043, Court of Appeals No. 03CA0244
- Director's Administrative Procedures; Effective May 2, 2004

- B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS,  
PERSONNEL ADMINISTRATORS, AND THE PUBLIC

**X. EXECUTIVE SESSION**

- A. Case Status Report

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**NEXT REGULARLY SCHEDULED BOARD MEETINGS**

**9:00 a.m.**

<u>Date</u>	<u>Location</u>
May 18, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
June 15, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
July 20, 2004	Colorado Department of Natural Resources 1313 Sherman Street, Room 318 Denver, CO 80203
August 17, 2004	Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246
September 21, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
October 19, 2004	To be announced
November 16, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
December 21, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222